

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14206 of 2013

Arising Out of PS. Case No.-151 CYear-2012 Thana- PATNA COMPLAINT CASE District-
Patna

1. Kumar Gaurav S/O Vijay Kumar Verma

Resident Of Mo- Meerapur, House No.- 183, P.S.- Aharsaiya, Distt.-
Allahabad (U.P.)

2. Anshu Prakash S/O Late Devendra Prakash

Resident Of Rajendra Nagar House No. 10/D Road No.-12 P.S.- KadamKuan,
Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.

2. Ranjeet Kumar Singh, S/o- Late Vishwanath Singh

Resident of Hanuman Nagar, New Punai Chak P.S.- Shastri Nagar, District-
Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mira Kumari, Advocate
For the State : Mr. Ganesh Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 18-01-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Despite service of notice on opposite party no. 2
(informant/complainant) and learned counsel also entering



appearance on his behalf and his name is also printed in the cause list, nobody appeared on his behalf when the matter was taken up and heard.

3. The petitioners have moved the Court under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') for the following relief:

“That the instant quashing application is being preferred for quashing the cognizance order dated 30/10/2012 of Protest-Cum-Complaint case no. 151(c)/2012, whereby and where under Ld. Magistrate Shri GhanShyam Prasad J.M. 1st class Patna has been pleased to issue process for the offences u/ss. 363/323/34 of the I.P.C. against the petitioners.”

4. The allegation initially was against the petitioners as per the F.I.R. but later when the police submitted final form on Protest-cum-Complaint filed by the opposite party no. 2, cognizance has been taken against the petitioners only. It is alleged that the petitioner no. 1 and his brother-in-law, i.e., petitioner no. 2, had forcibly abducted the minor daughter of the opposite party no. 2.



5. Learned counsel for the petitioners submitted that the daughter of the opposite party no. 2 was aged more than 18 years on the alleged date of occurrence which has been corroborated by the medical examination and further that she herself in her statement before the court under Section 164 of the Code has described her real date of birth as 02.05.1992 and not what has been mentioned on paper. Learned counsel submitted that the petitioner no. 1 and the daughter of opposite party no. 2 had married and stayed together as husband and wife for nine months but after the girl went back to her parents, she was not allowed to come and live with the petitioner no. 1 and later on, she was married to another person. Learned counsel submitted that the present is a case of marriage between the petitioner no. 1 and the daughter of opposite party no. 2 on their own freewill without any coercion or threat and just because opposite party no. 2 did not approve of the relationship, this false case has been instituted. Learned counsel drew the attention of the Court to Annexure-4, which is copy of the statement of the so called victim (daughter of the opposite party no. 2) where she has stated before the court that she had on her own free will married the petitioner no. 1 on 22.01.2011 and that her parents were not ready as it was an inter-caste relationship. It was also indicated that she also wanted to go



and live with her husband. Learned counsel submitted that even after deposing before the court on 15.07.2011, the daughter of opposite party no. 2 had gone to the petitioner no. 1 to Allahabad from where after a few months, she was forcibly taken back by the opposite party no. 2 to his place for which various petitions were given before the authorities, but nothing happened. Learned counsel submitted that due to the pendency of the present case, the petitioner no. 1 did not file any case for getting back the daughter of the opposite party no. 2, who was his wife.

6. Learned A.P.P. was not in a position to controvert the submissions of learned counsel for the petitioners.

7. After having considered the matter, from the discussions made hereinabove, it is apparent that the incident occurred purely out of self desire of petitioner no. 1 and the daughter of opposite party no. 2, without there being any criminal offence involved, muchless by the petitioners. The same is clearly borne out from the statement of the girl recorded by the court under Section 164 of the Code. Further, learned counsel for the opposite party no. 2, even after having entered appearance, not being present at the time of hearing, indicates that the opposite party no. 2 is no more interested to contest the case.



8. For reasons aforesaid, the application is allowed. The entire proceeding arising out of Protest-cum-Complaint Case No. 151 (c) of 2012, including order dated 30.10.2012, by which cognizance has been taken against the petitioners, stands quashed.

(Ahsanuddin Amanullah, J)

Anjani/-

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